

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

CAREY DAWSON,

Petitioner,

v.

CIVIL ACTION NO. 2:10-cv-00896
(Criminal No. 2:08-cr-00280-1)

UNITED STATES OF AMERICA,

Respondent.

ORDER

Before the Court is Petitioner Carey Dawson's Motion to Vacate, Set Aside, or Correct Sentence [Docket 63]. By Standing Order entered August 1, 2006, and filed in this case on July 14, 2010, this action was referred to United States Magistrate Mary E. Stanley for submission of proposed findings and a recommendation (PF&R). Magistrate Judge Stanley filed a PF&R [Docket 68] on September 15, 2010, recommending that this Court deny Petitioner's motion.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*,

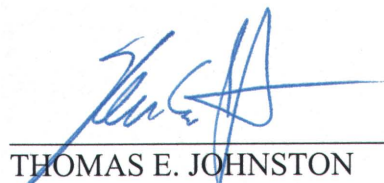
687 F.2d 44, 47 (4th Cir. 1982). Objections to the PF&R in this case were due on October 4, 2010. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R [Docket 68], **DENIES** Petitioner's Motion to Vacate, Set Aside, or Correct Sentence [Docket 63], and **DISMISSES** this case from the docket of the Court. A separate Judgment Order is entered this day implementing the findings contain herein.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: July 11, 2011



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE